



CARR & FERRELL, LLP
2225 EAST BAYSHORE ROAD
SUITE 200
PALO ALTO, CA 94303

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JUL 10 2002

OFFICE OF PETITIONS

In re Application of :
Zhou Hong; Konstantine I. Iourcha and :
Krishna S. Nayak : DECISION REFUSING STATUS
Application No. 10/052,613 : UNDER 37 CFR 1.47(a)
Filed: January 17, 2002 :
For: FIXED-RATE BLOCK-BASED IMAGE
COMPRESSION WITH INFERRED
PIXEL VALUES

This is in response to the "Petition Under 37 CFR 1.47(a)," filed April 22, 2002 (Certificate of Mailing date: April 10, 2002).

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on January 17, 2002 without an executed oath or declaration and naming Zhou Hong, Konstantine I. Iourcha and Krishna S. Nayak as joint inventors.

Accordingly, on February 11, 2002, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for late filing.

In response, on April 22, 2002, the instant petition, declaration and Declaration of Facts made by attorney of Record Susan Yee that states non-signing inventor Zhou Hong cannot be located and non-signing inventor Konstantine I. Iourcha refuses to sign the declaration, were filed.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

Applicant lacks items (1), (2), and (4) set forth above.

As to item (1), Rule 47 applicant has failed to show that diligent efforts have been made to locate non-signing inventor Zhou Hong. Applicant has simply stated that the declaration and a copy of the application were sent to the non-signing inventor's last known address and that one telephone call was made to the non-signing inventor's last known telephone number. As such, diligent efforts have not been made to locate the non-signing inventor.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration does not set forth:

- the mailing address or citizenship of Zhou Hong;
- the residence and mailing address of Konstantine I. Iourcha; and
- the mailing address of Krishna S. Nayak.

An oath or declaration in compliance with 37 CFR 1.63 and 1.64 is REQUIRED. See MPEP 409.03(a).

As to item (4), a statement of the non-signing inventor Konstantine I. Iourcha's last known address is missing and is required.

Deposit account No. 06-0600 has been charged the \$130.00 fee for the petition under 37 CFR 1.47.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, DC 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA

Telephone inquiries related to this decision should be directed to the undersigned at (703) 306-9200.

A handwritten signature in cursive script, appearing to read 'Ed J. Tannouse', followed by a horizontal line.

Edward J. Tannouse
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy